IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.2819 of 2006**

DATE OF DECISION: October 26, 2006

SUMRAT SINGH AND OTHERS ...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MRS. JUSTICE NIRMAL YADAV.

PRESENT: MR. A.K. BISHNOI, ADVOCATE FOR THE PETITIONERS.
MR. S.P. SINGH, ADVOCATE FOR RESPONDENT NOS.3 & 4.
MR. SANDEEP SHARMA, ADVOCATE
FOR RESPONDENT NOS.5 TO 11.
MR. R.S. KUNDU, ADDL.A.G., HARYANA.

ASHUTOSH MOHUNTA, J. (ORAL)

This order shall also dispose of CWP No.5925 of 2006, as common Notifications have been challenged in both these writ petitions.

The petitioners have filed the present writ petition praying for quashing the Notification dated 20.4.1990, Annexure P-5 issued under Section 4 of the Land Acquisition Act and Notification dated 18.4.1991, Annexure P-6 issued under Section 6 of the Land Acquisition Act.

Learned counsel for the petitioner contends that although the proceedings with regard to the acquisition were initiated on 20.4.1990 and award has also been passed on 23.3.1993, however, the petitioners are entitled to release of their lands on the basis of report of a Sub Committee, Annexure P-9 by which the lands of various land owners have been released from acquisition. Counsel for the petitioner contends that the petitioners are also similarly situated, as the persons mentioned in Annexure P-10.

Counsel for the State submits that the constructed portion of the land belonging to the petitioners has already been released from acquisition, as is mentioned in para 3 of the preliminary objection. It is further submitted that the petitioners have filed the present petition after a delay of more than 16 years hence the present petition is liable to be dismissed.

We are of the considered opinion that the petitioners are not entitled to release of their land, as they have filed the writ petition after a delay of more than 16 years. It has been held in *Municipal Counsel, Ahmednagar and another* vs. *Shah Hyder Beig and others*, 2000(2) SCC 48 that delay defeats equity. Apart from the above, the constructed portion of the petitioners have already been released from acquisition.

In view of the above, we find no merit in the writ petition and the same is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

October 26, 2006
Gulati

(NIRMAL YADAV)
JUDGE